S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5864/2007
(Sunita and Ors. Vs. State of Rajasthan)

DATE OF ORDER : 10/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. I.R.Choudhary for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioners that the accused who inflicted the injuries namely Rameshwar and Kumbharam have been granted bail after arrest. However, learned counsel for the petitioners submits that there is a cross case in which after investigation, the police has filed challan against Devaram and Bajranglal who are injured of this case. He has placed on record the order sheet of the court of Judicial Magistrate, Nava dated 3.11.2007 which shows that the police has filed challan against injured Devaram and Bajranglal for the offences under Sections 451, 323 and 504 IPC and the trial court has taken the ocgnizance of the offences.

Having regard to the facts and circumstances of the case and the fact that injuries are simple in nature and there is a cross case in which the accused party has also suffered injuries and challan has been filed against the complainant party, having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioners u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Sunita W/o Malchandji, Santosh W/o Kumbharamji and Chandadevi W/o Rameshwarlal in FIR No. 87/2007 P.S. Maroth, district Nagaur, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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